IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.3.2006

C O R A M :

THE HONOURABLE MR. JUSTICE P. SATHASIVAM
AND
THE HONOURABLE MR. JUSTICE J.A.K.SAMPATH KUMAR

H.C.P.NO.277 of 2006

A.Kannaiyan .. Petitioner

-Vs.-

1. State of Tamil Nadu rep.by its Secretary, Adi-Dravidar Welfare Department, Fort St.George, Chennai-600 009.

2. The Director General of Police, Mylapore, Chennai-600 004.

3. The District Collector, Perambalur & District.

4. The Superintendent of Police, Perambalur & District.

5. The Inspector of Police, Sendurai Police Station, Perambalur District.

6. The District Collector, Ernakulam District, Kerala State.

7. P.P.Shippu

8. Govindarajan .. Respondents

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Prayer:- Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Habeas Corpus to direct, (a) the respondents to produce the body and person of the persons listed in the Annexure* to the petition who are held as bonded labourers now under the illegal custody of respondents 7 and 8 and set them at liberty; (b) respondents 1 and 3 to take all

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necessary measures forthwith to provide rehabilitation to the persons listed in the Annexure to the petition who are held as bonded labourers in the light of the Bonded Labour Abolition Act, 1976 and the rules made thereunder and to pass such further orders.

*ANNEXURE TO PETITION IN H.C.P.NO.277 OF 2006
(LIST OF PERSONS HELD AS BONDED LABOURERS CONCERNED IN HCP)

1.Muthulakshmi (18), D/o. Arumugham
2.Kannagi (30), W/o.Gurusamy
3.Kanimozhi (16), D/o.Kannaiyan
4.Vembu (15), D/o.Chinnadurai
5.Sulochana (28), W/o.Late Subburayan
6.Vasanthal (57),W/o.Thambusamy
7.Kolanjiammal (35), W/o.Govindaraj
8.Rathinambal (51), W/o.Late Rajangam
9.Vellaiyammal (49),W/o.Amburose
10.Manjal Matha (24), W/o.Nagappan
11.Arumugham (51), S/o.Panjan
12.Manikandan (28), S/o.Boorasamy
13.Suresh (27) S/o.Mohan
14.Sivakumar (25), S/o.Thambusamy
15.Sathiyamoorthy (15), S/o.Ramar
16.Ramar (55) S/o.Arumugham
17.Arumugham (59), S/o.Pavadai
18.Nagappan (28), S/o. Ramaiah

For Petitioner : Mr.S.Sathia Chandran
For Respondents : Mr.Abudukumar Rajarathinam
Government Advocate (Crl. Side) for
Respondents 1 to 6

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O R D E R

(ORDER OF THE COURT WAS MADE BY P.SATHASIVAM, J.)

The petitioner, by name, A.Kannaiyan has filed this petition seeking for a direction to the respondents to produce all the 18 persons mentioned in the Annexure to the said petition, who, according to him, are held as bonded labourers, now under the illegal custody of respondents 7 and 8 and set them at liberty. The petitioner has also sought for a further direction to respondents 1 and 3 to take all necessary measures forthwith to provide rehabilitation to the persons listed in the Annexure, who are held as bonded labourers, in the light of the Bonded Labour Abolition Act, 1976 and the rules made thereunder.

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2. Pursuant to the direction of this Court, all the 18 persons listed in the Annexure, appeared before us. We enquired each one of them. Among the said 18 persons, three are minor and others are major. During the enquiry, they reported that they all belong to Nathakuzhi Colony, Manapattur Panchayat, Sendhurai Taluk, Perambalur District. According to them, on the advice of the eighth respondent, who is also the present before us, they went to Nedunallur Village of Ernakulam District, Kerala. They further informed this Court that each of them was promised to pay Rs.100/- per day. It is further seen from their statement that they went to the said place a month ago and they were getting an amount from respondents 7 and 8 every week for food. Except one Sivakumar, Son of Thambusamy, other 17 persons are not interested in continuing their job there and they want to come back to their native village. They also requested for settlement of their one month wages by respondents 7 and 8. They also prayed that the same may be directed to be paid to them.

3. Though the petitioner has filed this petition alleging that the persons mentioned in the Annexure were taken to Kerala as bonded labourers, our enquiry of all the 18 persons shows that due to unemployment in their village and on the assurance of the eighth respondent that they will be paid wages at the rate of Rs.100/- to Rs.120/- per day, they went to Kerala. They also informed us that all of them were paid Rs.250/- towards transport charges. On our enquiry of all the 18 persons as well as the eighth respondent and the statement of the learned Government Advocate, we are satisfied that all these persons were not taken as bonded labourers and were also not treated so. However, it is clear that due to unemployment in the area in which all of them are residing and in order to eke out their livelihood and on the assurance that they will be paid decent wages, they left their native place and went to the place of the seventh respondent.

4. In view of their willingness to go back to their native place at Perambalur District, they are permitted to go to their native place. Learned Government Advocate has assured that their journey from Chennai to their native place will be taken care of by the official respondents. Considering the grievance expressed by the 18 persons mentioned in the Annexure, it is made clear that if they make any representation to the District Collector, Perambalur District regarding their poverty, unemployment, etc. the Collector is directed to consider the same, and if suitable employment is available within his jurisdiction, the request of those persons may be considered sympathetically. The eighth respondent is directed to collect wages for the period of one month in respect of those 18 persons mentioned in the Annexure from the seventh respondent and pay the same to them within a period of one month from today. Further direction is also issued to respondents 3 and 5 to monitor

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and see that the arrears of wages being settled to all the 18 persons by respondents 7 and 8.

5. With the above observation/direction, the habeas corpus petition is disposed of.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

js

To

1. The Secretary to the Govt. of Tamil Nadu
Adi-Dravidar Welfare
Department, Fort St.George,
Chennai-600 009.

2. The Director General of Police,
Mylapore, Chennai-600 004.

3. The District Collector,
Perambalur & District.

4. The Superintendent of Police,
Perambalur & District.

5. The Inspector of Police,
Sendurai Police Station,
Perambalur District.

6. The District Collector,
Ernakulam District,
Kerala State.

7. P.P.Shippu
Puthussery (h),
Medavannoor, Chowaro Post,
Alwa, Ernakulam District, Kerala State.

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8.Govindarajan
S/o.Kuzhandaivel
Now at C/o.P.P.Shippu
Puthussery (h) Medavannoor
Chowaro Post, Alwa Ernakulam District,
Kerala State.

NG (CO)
km/31.7.

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